

In the Drawings

The attached sheets of formal drawings include changes to Figures 1A-1C, 3B, 4A-4D, 5, 7A, 7B, 9, 10, and 13. These sheets, which include Figures 1-13, replace the original sheets including Figures 1-13.

In Figure 1A, reference to the dimensions was removed for clarification;

In Figure 1B, reference to the dimensions was removed for clarification;

In Figure 1C, reference to the dimensions was removed for clarification;

In Figure 3B, reference "204" was removed for clarification;

In Figure 3B, reference "238" was removed for clarification;

In Figure 4A, reference "204" was added for clarification;

In Figure 4A, reference "238" was added for clarification;

In Figures 4A-4D, reference to specific dimensions was replaced by dimensions A-F.

Figure 5 was replaced by Figure 5A and Figure 5B for clarification;

In Figure 7A and 7B, pipettes were removed for clarification;

Figure 9 was replaced by Figure 9A and Figure 9B for clarification;

In Figure 10, reference to specific dimensions was replaced by dimensions A and B; and

Figure 13 was replaced by Figure 13A and Figure 13B for clarification.

REMARKS

Applicant respectfully requests reconsideration. Claims 1-44 were previously pending in this application. By this amendment, Applicant is canceling claims 7-44 without prejudice or disclaimer. Applicant reserves the right to file one or more divisional or continuation applications directed to the canceled subject matter. Claims 1 and 4-6 have been amended. New claim 45 has been added. As a result, claims 1-6 and 45 are pending for examination with claim 1 being the only independent claim. No new matter has been added.

Amendments to the Specification and Drawings

Applicant has amended the specification and the drawings to correct minor typographical errors found during the preparation of formal drawings. No new matter has been added.

Claim Rejections Under 35 U.S.C. §112, second paragraph

Claims 4-6 are rejected under 35 U.S.C. §112, second paragraph, as purportedly being indefinite.

In particular, the Office Action alleges that in claim 4 “said third part” lacks antecedent basis. The Office Action also alleges that in claim 5, “the cylinders” lacks antecedent basis. Applicant has amended claim 4 to properly depend from claim 2 and has amended claim 5 to recite “the cylinder”. Accordingly, there is now proper antecedent basis.

In view of the foregoing, the rejections of claim 4-6 under §112, second paragraph, should be withdrawn.

Claim Rejections Under 35 U.S.C. §102

The Examiner rejected claims 1-6 under 35 U.S.C. §102(b) as being anticipated by Keegan et al. (U.S. Patent No. 3,935,734). Applicant respectfully traverses.

Independent claim 1 is directed to a pipette module including a channel block having at least one passage therethrough, a rod sized, shaped and aligned to pass into the channel block passage, and a cylinder having an axially extending passage, sized, shaped and aligned to pass into the channel block passage from the end opposite the end which the rod passes. A chamber is defined by the channel block, rod, and cylinder, having a volume which is variable, with a first part of the chamber variable by relative movement of the channel block relative to the fixed

relative positions of the rod and cylinder, and with a second part of the chamber variable by relative movement of the cylinder relative to the fixed relative positions of the rod and channel block.

By contrast, Keegan is configured completely differently. Keegan discloses a pipette 10 having a measuring piston 14 to control the volume of a fluid drawn into a reservoir and a larger overblow piston 41 used to expel the liquid out of the reservoir. The pistons 14, 41 move within tubular barrel 11.

The Office Action states that the tubular barrel 11 of Keegan is analogous to the claimed "channel block", the rod 14 is analogous to the claimed "rod", and the sliding valve member 60a is analogous to the claimed "cylinder". The Office Action then contends that a first portion of the chamber of Keegan is variable by relative movement of the tubular barrel 11 relative to the rod 14 and the sliding valve member 60A and that a second portion of the chamber of Keegan is variable by relative movement of the sliding valve member 60A relative to the rod and tubular barrel. But rather than refer to a portion of Keegan for a teaching or suggestion of the sliding valve member 60A moving relative to the rod and the tubular member 11, the Office Action merely states that this would occur when the sliding valve member 60a is inserted upon assembly of the unit. Applicants respectfully disagree.

As explained in Keegan and as depicted in FIG. 3, the sliding valve member 60a maintains its position against the internal abutment ring provided in the barrel with spring 53A. The only time the sliding valve member 60a moves is when it is pushed against the spring 53A by the piston 41, and the piston 41 only moves with the rod 14. The valve 60A only moves to temporarily allow air from chamber 57a to pass through aperture 59 to blow liquid out of the tip of the pipette. Keegan does not teach or suggest any movement of the sliding valve member 60A that does not also involve movement of rod 14. Accordingly, even under the above interpretation that the sliding valve member 60a is the claimed "cylinder", Keegan does not teach or suggest a second part of the chamber variable by relative movement of the cylinder relative to the fixed relative positions of the rod and channel block, as recited in claim 1.

As if already recognizing this deficiency in Keegan, the Office Action states that this relative movement of the cylinder with respect to the rod and channel block would only occur during the assembly process. For the sake of argument only, even if the sliding valve member 60A moves with respect to the rod 14 and the tubular barrel 11 during an assembly process, the

chamber would then not include a first part variable by relative movement of the channel block relative to the rod and the cylinder, as also recited in claim 1. Applicant respectfully request that if the Examiner is to maintain this rejection that they point to where in Keegan there is any teaching or suggestion of relative movement of the sliding valve member 60A relative to the rod and tubular barrel 11.

Therefore, it is respectfully requested that the Examiner withdraw the rejection of claim 1 in view of Keegan, as the prior art fails to teach at least these recitations of claim 1. Claims 2-6, depending on claim 1, are allowable for at least the same reasons.

New Claims

Applicant has further added new dependent claim 45 to further define the invention. Support for this claim may be found at least in FIGS. 1A-1C. No new matter has been added.

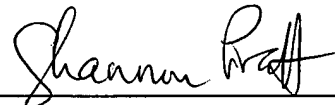
CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

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